

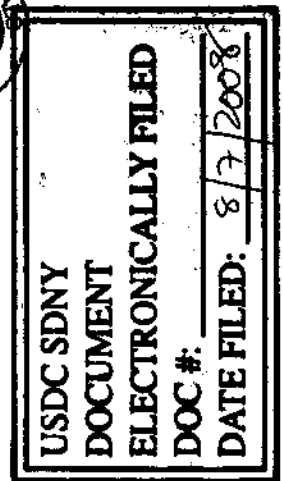
S.D.N.Y. - N.Y.C.
08-cv-1618
Wood, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 25th day of April, two thousand eight,

Present:

Hon. Amalya L. Kearse,
Hon. Rosemary S. Pooler,
Circuit Judges,
Hon. Denise Cote,*
District Judge.



Teddy Moore,

Plaintiff-Appellant,

v.

08-1177-cv

Thomas D. Raffaele, *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves for *in forma pauperis* status, appointment of counsel, and an en banc hearing in his appeal of the district court's *sua sponte* dismissal of his action. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: *Franki Long*

*The Honorable Denise Cote, United States District Court for the Southern District of New York, sitting by designation.

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk